

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES ANTHONY TATAR,	)	
	)	2:10cv1410
Petitioner,	)	<b>Electronic Filing</b>
	)	
v.	)	Judge David Stewart Cercone
	)	
JEFFREY BEARD, et al.,	)	Magistrate Judge Cynthia Reed Eddy
	)	
Respondents.	)	
	)	
	)	
	)	
	)	

**MEMORANDUM ORDER**

On October 25, 2010, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (ECF No. 3) and was referred to a united states magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on June 21, 2012 (ECF No. 13) recommending that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. Petitioner was served with the Report and Recommendation at his listed address and was advised that he had July 9, 2012 to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 7<sup>th</sup> day of August, 2012:

**IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus is **DENIED**.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 13) is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



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David Stewart Cercone  
United States District Judge

cc: James Anthony Tatar  
GD-5646  
S.C.I. Coal Township  
1 Kelley Drive  
Coal Township, PA 17866  
(Via First Class Mail)

Chase G. McClister, Esquire  
(Via CM/ECF Electronic Mail)